



"True to his charge—he comes, the Herald of a noisy world; News from all nations, lumbering at his back."

D. BRADFORD, Editor.

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A PROCLAMATION.

By the President of the United States of
America.

Whereas, a Treaty of Peace and Friend-
ship between the United States of
America and the Emperor of Morocco
was concluded and signed at
Meccanez, on the sixteenth day of
September, Anno Domini one thousand
eight hundred and thirty six,
which treaty is, word for word as fol-
lows:

In the name of God, the merciful element!

Abd
Errahman
Ibnu Kesham
whom God
exalt!

PRaise be to God!

This is the copy of the Treaty of Peace
which we have made with the Ameri-
cans, and written to this book; affixing
there to our blessed seal, that, with
the help of God, it may remain firm for-
ever.

Written at Meccanez, the city of O-
lives, on the 3d day the month Jumad el-
ahbar, in the year of the Hegira 1252.
(Corresponding to September 16, A. D.
1836.)

ARTICLE 1. We declare that both parties
have agreed that this treaty, consist-
ing of twenty-five articles, shall be in-
serted in this book, and delivered to
James R. Leib, agent of the United States,
and now their resident consul at Tan-
ger, with whose appointment it has been
made, and who is duly authorized on
their part to treat with us concerning
all the matters contained therein.

ART. 2. If either of the parties shall
be at war with any nation whatever,
the other shall not take a commission
from the enemy, nor fight under their colors.

ART. 3. If either of the parties shall
be at war with any nation whatever,
and take a prize belonging to that na-
tion, and there shall be found on board
subjects or effects belonging to either of
the parties, the subjects shall be set at
liberty, and the effects returned to the
owners. And if any goods, belonging
to any nation with whom either of the
parties shall be at war, shall be loaded
on vessels belonging to the other party,
they shall pass free and unmolested,
without any attempt being made to take
or detain them.

ART. 4. A signal or pass shall be given
to all vessels belonging to both parties,
by which they are to be known when
they meet at sea; and if the commander
of a ship of war of either party shall
have other ships under his convoy, the
declaration of the commander shall alone
be sufficient to exempt any of them from
examination.

ART. 5. If either of the parties shall
be at war, and shall meet a vessel at sea
belonging to the other, it is agreed that if
an examination is to be made, it shall
be done by sending a boat with two or
three men only; and if any gun shall be
fired, and injury done without reason,
the offending party shall make good all
damages.

ART. 6. If any Moor shall bring citi-
zens of the United States or their effects
to his Majesty, the citizens shall imme-
diately be set at liberty, and the effects
restored; and in like manner, if any
Moor, not a subject of these dominions,
shall make prize of any of the citizens
of America, or their effects, and bring
them into any of the ports of his Majesty,
they shall be immediately released,
as they will then be considered as under
his Majesty's protection.

ART. 7. If any vessel of either party
shall put into a port of the other, and
have occasion for provisions or other
supplies, they shall be furnished without
any interruption or molestation.

ART. 8. If any vessel of the United
States shall meet with a disaster at sea,
and put into one of our ports to repair,

she shall be at liberty to land and reload
her cargo, without paying any duty what-
ever.

ART. 9. If any vessel of any United
States shall be cast on shore on any part
of our coasts, she shall remain at the dis-
position of the owners, and no one shall
attempt going near her without their ap-
probation, as she is then considered par-
ticularly under our protection; and if
any vessel of the United States shall be
forced to put into our ports by stress of
weather, or otherwise, she shall not be
compelled to land her cargo, but shall
remain in tranquillity until the comman-
der shall think proper to proceed on his
voyage.

ART. 10. If any vessel of either of the
parties shall have an engagement with
a vessel belonging to any of the christian
powers, within gun-shot of the forts of the
other, the vessel so engaged shall be de-
fended and protected as much as possible,
until she is in safety; and if any Ameri-
can vessel shall be cast on shore on the
coast of Wadnoon, or any coast there-
about, the people belonging to her shall
be protected and assisted, until, by the
help of God, they shall be sent to their
country.

ART. 11. If we shall be at war with
any Christian Power, any of our ves-
sels sails from the ports of the United
States, no vessel belonging to the enemy
shall follow until twenty-four hours after
the departure of our vessels; and the
same regulation shall be observed to-
wards the American vessels sailing from
our ports, be their enemies Moors or
Christians.

ART. 12. If any ship of war belong-
ing to the United States, shall put into
any of our ports, she shall not be exam-
ined on any pretence whatever, even
though she should have fugitive slaves
on board, nor shall the Governor or com-
mander of the place, compel them to be
brought on shore on any pretext, nor re-
quire any payment for them.

ART. 13. If a ship of war, of either
party, shall put into a port of the other,
and salute, it shall be returned from the
fort with an equal number of guns, not
more or less.

ART. 14. The commerce with the
United States shall be on the same foot-
ing as is the commerce with Spain, or
as that with the most favored nation for
the time being; and their citizens shall
be respected and esteemed, and have full
liberty to pass, and repass our country
seaports, whenever they please, with-
out interruption.

ART. 15. Merchants of both countries
shall employ only such interpreters, and
such other persons to assist them in their
business, as they shall think proper. No
commander of a vessel shall transport
his cargo on board another vessel; he
shall not be detained in port longer than
he may think proper; and all persons
employed in loading or unloading goods,
or in any other labor whatever, shall be
paid at the customary rates, not more
and not less.

ART. 16. In case of a war between
the parties, the prisoners are not to be
made slaves, but to be exchanged one for
another, captain for captain, officer for
officer, and one private man for another;
and if there shall prove a deficiency on
either side, it shall be made up by the
payment of one hundred Mexican dollars
for each person wanting. And it is
agreed, that all prisoners shall be ex-
changed in twelve months, from the time
of their being taken, and that this ex-
change may be effected by a merchant,
or any other person authorized by either
of the parties.

ART. 17. Merchants shall not be com-
pelled to buy or sell any kind of goods,
but such as they shall think proper; and
may buy and sell all sorts of merchan-
dise, but such as are prohibited to the
other christian nations.

ART. 18. All goods shall be weighed
and examined before they are sent on
board; and to avoid all detention of ves-
sels, no examination shall afterwards be
made, unless it shall first be proved that
contraband goods have been sent on
board; in which case, the persons who
took the contraband goods on board,
shall be punished according to the usage
and custom of the country, and no other
person whatever shall be injured, nor
shall the ship or cargo incur any pen-
alty or damage whatever.

ART. 19. No vessel shall be detained
in port on any pretence whatever, nor
be obliged to take on board any article
without the consent of the commander,
who shall be at full liberty to agree for
the freight of any goods he takes on
board.

ART. 20. If any of the citizens of
the United States, or any persons under
their protection, shall have any dispute
with each other, the consul shall decide
between the parties; and whenever the
consul shall require any aid or assistance
from our Government, to enforce his
decisions, it shall be immediately granted
to him.

ART. 21. If a citizen of the United
States should kill or wound a Moor, or,
on the contrary, if a Moor shall kill or
wound a citizen of the United States, the

the law of the country shall take place,
and equal justice shall be rendered, the
consul assisting at the trial; and if any
delinquent shall make his escape, the
consul shall not be answerable for him
in any manner whatever.

ART. 22. If an American citizen shall
die in our country, and no will shall ap-
pear, the consul shall take possession of
his effects; and if there shall be no con-
sul, the effects shall be deposited to the
hands of some person worthy of trust,
until the party shall appear, who has a
right to demand them; but if the heir
to the person deceased be present, the
property shall be delivered to him with-
out interruption; and if a will shall ap-
pear, the property shall descend agree-
ably to that will, as soon as the consul
shall declare the validity thereof.

ART. 23. The consuls of the United
States of America, shall reside in any
seaport of our dominions that they shall
think proper, and they shall be respect-
ed, and enjoy all the privileges which
the consuls of any other nation enjoy;
and if any of the citizens of the United
States shall contract any debts or engage-
ments, the consul shall not be in any
manner accountable for them, unless he
shall have given a promise, in writing
for the payment or fulfilling thereof;
without which promise in writing, no ap-
plication to him for any redress shall be
made.

ART. 24. If any differences shall arise
by either party infringing on any of the
articles of this treaty, peace and har-
mony shall remain notwithstanding, in
the fullest force, until a friendly applica-
tion shall be made for an arrangement;
and until that application shall be reject-
ed, no appeal shall be made to arms.
And if a war shall break out between
the parties, nine months shall be granted
to all the subjects of both parties, to dis-
pose of their effects, and retire with their
property. And it is further declared,
that whatever indulgence, in trade or
otherwise, shall be granted to any of the
Christian Powers, the citizens of the
United States shall be equally entitled to them.

ART. 25. This treaty shall continue
in force, with the help of God; for fifty
years; after the expiration of which term,
the treaty shall continue to be binding
on both parties, until the one shall give
twelve months notice to the other, of an
intention to abandon it; in which case,
its operations shall cease at the end of
the twelve months.

Consulate of the United States of America,
For the Empire of Morocco.

TO ALL WHOM IT MAY CONCERN.

Be it known: Whereas the undersig-
ned, James R. Leib, a citizen of the United
States of North America, and now
their resident consul at Tanger, having
been duly appointed commissioner, by
letters patent, under the signature of the
President, and seal of the United States
of North America, bearing date at the
city of Washington, the 4th day of July,
A. D. 1835, for negotiating and conclu-
ding a treaty of peace and friendship be-
tween the United States of North Ameri-
ca, and the Empire of Morocco. I,
therefore, James R. Leib, Commissioner
as aforesaid, do conclude the foregoing
treaty, and every article and clause
therein contained, reserving the same
nevertheless, for the final ratification of
the President of the United States of
North America, by and with the advice
and consent of the Senate.

In testimony whereof, I have hereun-
to affixed my signature and the
seal of this consulate, on the
1st day of October, in the year
of our Lord 1836, and of the In-
dependence of the United States
the sixty-first.

JAMES R. LEIB.

And whereas, the said Treaty has
been duly ratified by the respective Gov-
ernments: Now, therefore, be it known,
that I, Andrew Jackson, President of the
United States of America, have caused
the said treaty to be made public, to the
end that the same, and every clause and
article thereof, may be observed and ful-
filled with good faith, by the United
States and the citizens thereof.

In testimony whereof, I have hereun-
to set my hand, and caused the seal of
the United States to be affixed.

Done at the city of Washington this
thirtieth day of January, in
the year of our Lord one
thousand eight hundred and

thirty seven, and of the In-
dependence of the United
States, the sixty-first.

ANDREW JACKSON.

By the President,

JOHN FORSYTH,

Secretary of State.

NOTICE.
JAMES E. DAVIS, Attorney and Counsel-
or at Law, has removed his office to the
large room on Jordan's Row, opposite the Clerk's
Office, where he can always be found.
Lexington, Feb. 3, 1837.—6-4t

Blank warrants
FOR SALE AT THIS OFFICE.

RELATIONS WITH MEXICO.

The return of the Charge of the Uni-
ted States, Mr. Ellis, will necessarily
draw the attention of all who feel an in-
terest in the posture of our affairs with
the neighboring Republic, to the docu-
ments which have recently been laid be-
fore Congress on this subject. Another
communication from the President to
Congress on this subject, made necessary
by the return of Mr. Ellis, will develop
the state of things existing at the moment
our Charge d'Affaires left Mexico. What
has been instructed to ask and to do, will
be seen from the following letters of the
Secretary of State to Mr. Ellis.

It seems that those councils have pre-
vailed in Mexico, which its late Minister,
Gorostiza, indicated in this capital. What
they were, may be ascertained by the
English reader from a pamphlet recently
published by Power Force of this
city, entitled, "AN EXAMINATION AND RE-
VIEW OF A PAMPHLET PRINTED AND SE-
CRETLY CIRCULATED BY MR. E. GOROSTIZA,
LATE ENVOY," &c.

The pamphlet to which we refer, and
which we understand is from the pen of
an intelligent literary gentleman, late of
the navy, contains a translation of Goros-
tiza's pamphlet and correspondence. The
writer, in his review, strongly intimates
his suspicion that the Editors in this
country who labored in the cause of Goros-
tiza, and sought, with him, to bring the
good faith of our Government into ques-
tion, received a valuable consideration for
their services. Speaking of Gorostiza's abuse
of General Jackson, the Reviewer says:
"He (Gorostiza) could not have de-
lighted them (the editors) more, unless it
were to have sent them a telegram of the
score shipped him to New Orleans for se-
cret service. That such is the case we
do not pretend to assert, but assuredly
the laborer is worthy of his hire."

In the following passage of Gorostiza's
pamphlet, will be seen both the object for
which he made his representations, (viz:
that his Government might make "a com-
plete publication") and what these rep-
resentations were. It will be found that
he instigates the party of "merchants,"
"gentlemen of independent fortunes,"
"the real officers of the army and navy,"
"the editor who respects himself," "the
office holder who cannot be removed,"
"the mass, necessarily ignorant,
which has every thing in its power." In
a word, the passage shows that Gorostiza
is a thoroughly-going "new born whig," of
the White, Webster, Clay, and Calhoun
school.

"We hope (says Gorostiza) that the
Mexican Government will in due time
order the complete publication of all these
documents, if it be desired that the world
should know of what advantage to Mexi-
co has been the long proclaimed neutrality
of the United States in the war sustained
by a neighboring and friendly nation,
against the ungrateful strangers whom it
had received into one of its most fertile
provinces. These strangers too were all
North Americans, as were likewise all
who have aided them with their hands,
their money, their writings, their advice,
and their hatred to Mexico."

"It is not here intended to be said
that there are not in the United States
many citizens who honestly lament what
has taken place, and is still going on in
their country, respecting the rebellion in
Texas, and who do not almost desire that
Mexico should triumph, from mere re-
spect for justice and right: quite the con-
trary. There is scarcely a single respect-
able merchant or gentleman of indepen-
dent fortune, or real officer of the army or
navy, or editor who respects himself, or
office holder who cannot be removed, or,
in fine, a single American of the school
of Washington and Madison, who does not
belong to this class. But what can so
minute a fraction do against the over-
whelming efforts of a mass necessarily ig-
norant, which has every thing in its pow-
er, and which can be blindly led where-
ever it may please dishonest, greedy, un-
principled, and consequently, unbridled
flatterers? nothing, unfortunately for
Mexico, and unfortunately too for the
United States.

"The Mexican Envoy will, however,
never forget the testimonies of sincere
interest which he has observed in all
those citizens to take in the cause com-
mitted to his charge, particularly in the
excellent and enlightened city of Phila-
delphia, in Boston, in Baltimore, and
even in New York, although the latter
place is the headquarters of the specula-
tors in Mexican lands. He also embraces
this opportunity to thank the Editors of
the National Intelligencer, of the Atlas,
of the New York American, and of the
other papers, for the noble efforts and the
intent with which they have defended this
cause, without any other inducement than
that of enlightening public opinion on
matters which so seriously affect the re-
putation of their country, and without the
Envoy having ever had the pleasure of
knowing one of those gentlemen even by
sight.

Mr. Forsyth to Mr. Ellis.

DEPARTMENT OF STATE,
Washington, July 20, 1836.

SIR: The enclosed copies of letters to
this Department from Mr. Coleman, the
acting consul of the United States at Ta-
basco, will inform you of the outrageous
conduct of the authorities there with re-
gard to the officers, crew, and cargo of
the schooner Northampton, wrecked on
the Mexican coast in that quarter, and in
relation to the acting consul himself.

The accumulation of causes for com-
plaint on the part of our citizens against
the Mexican Government, the frequency
of their occurrence of late, and so far as
appears from the correspondence of your
predecessors, the indisposition of that
Government to inquire into them, to grant
satisfaction for them, or to take proper
steps to prevent their recurrence, have
by no means tended to strengthen the
spirit of forbearance with which the Presi-
dent has hitherto acted towards Mexico;
entertaining, as he does, a sincere sym-
pathy for her domestic troubles, and a
hearty desire to preserve and cultivate
the relations of peace, friendship, and
good neighborhood with her Government
and people. He is satisfied, however,
that further delay in the acknowledgment,
if not in the redress, of the injuries com-
plained of, cannot be acquiesced in, com-
patibly with the dignity, rights, and in-
terests of the United States. He there-
fore directs, that in presenting to the
notice of that Government the case of the
Northampton, you will make a fresh ap-
peal to its sense of honor and justice in
relation to our claims generally; and to
show that the President's estimate of the
grievances suffered by our citizens resort-
ing to Mexico, especially since the con-
clusion of the treaty, is not exaggerated,
your note will refer to the following cases,
in which the interposition of this Govern-
ment has been asked for since the 5th of
April, 1832, and all of which either you
or your predecessor has heretofore been
instructed to bring to the notice of the
Mexican Government.

On the 31st of December, 1831, an al-
calde of Menoflan, in the colony of
Guazacatlan, instituted what is said to
have been an illegal, arbitrary, and op-
pressive proceeding against Doctor Bal-
win, a citizen of the United States, under
color of a suit at law, preferred and
carried on by a creature of the alcalde him-
self. Baldwin appeared before the al-
calde to answer the charge; an alterca-
tion ensued; and the alcalde ordered him
to the stocks, which Baldwin refused to
submit to, attempted to escape, and was
pursued by a party of soldiers, who at-
tended the court. In the race Baldwin
fell, received an injury in one of his legs,
was captured, carried back into the pre-
sence of the alcalde, placed in the stocks,
and afterwards imprisoned.

In February, 1832, the schooner To-
paz, of Bangor, Maine, was employed by
the Mexican Government to carry troops
from Matamoros to Galveston bay. The
master and mate were murdered by the
soldiers on the passage, the crew impris-
oned, and the vessel seized and converted
to the Mexican service.

On the 21st June, 1832, the American
schooner Brizoria was seized in the port
of Brizoria, by John Austin, the Mexican
military commandant in that quarter, and
employed to make an attack upon Ana-
huac, then in possession of insurgents.—
During the attack, the vessel was injured so
as to be made unworthy, and was aban-
doned as a total loss, for which the under-
writers have received no compensation.

In the summer of 1832, the steamboat
Hidalgo and schooner Consolation, be-
longing to Aaron Leggett, of New York,
were forcibly taken possession of by
Mexican officers at Tabasco, and used by
them. The brig John, belonging to Leg-
gett, was also detained, and money was
extorted from him. The consequence re-
sulting from these acts are represented
to have been ruinous to the sufferer, and
the Mexican Government is clearly bound
by the treaty to indemnify him for them.

In March, 1834, Captain McGeige, of
the schooner Industry, of Mobile, was
imprisoned at Tabasco, and an exorbitant
fine demanded of him without cause.
The payment of the fine being made the
only condition upon which he could be
allowed to depart, he abandoned his ves-
sel and her cargo to the authorities, who
afterwards sold them.

In the summer of 1834, the brig Para-
gon, of New York, was causelessly fired
into on her way to Vera Cruz by the
Mexican public armed schooner Tam-
pico. In answer to an official represen-
tation on the subject by Mr. Butler, that
Government promised that the affair
should be inquired into; but this depart-
ment is not informed that the promise has
been fulfilled.

In the beginning of May, last year, the
answer of officers supposed to belong to
the custom-house, who boarded the brig
Ophir, of New York, on her arrival at
Campeche, to an inquiry of the captain
as to which of the ship's papers it would
be necessary to present at the custom-
house, was accidentally, or intentionally,
misinterpreted. In consequence of this,
notwithstanding all the papers were

shown to the boarding officers, the in-
voices only being exhibited at the custom-
house, the vessel was seized and con-
demned.

In May, 1835, also, the schooner Mar-
tha, from New Orleans, was seized at
Galveston bay by the Mexican armed
schooner Montezuma for an alleged non-
compliance with some of the formalities
of their revenue laws. Four of the pas-
sengers of the Martha were put in irons
under the hatches of the Montezuma, and
otherwise treated with great barbarity,
merely for an imputed intention to use
their fire-arms against a guard that had
been placed on board the Martha.

In November, 1835, the schooner Han-
nah and Elizabeth, of New Orleans, was
stranded in attempting to enter Matago-
da bay. While in this condition, she
was fired into by the Mexican armed
schooner Bravo, boarded by twenty ar-
med soldiers under the command of two
officers, who forcibly took the master,
crew, and passengers from the wreck,
pillaged them of most of their clothes,
and chained them in the hold of the Bravo
until their arrival at Matamoros, where
they were continued in confinement; but
through the urgent representation of our
consul there, all but the captain were
eventually released. It is not known to
the department that he has yet been li-
berated, or that any satisfaction has been
offered by the Mexican Government.

On the 17th of February last, William
Hallett and Zalmon Hull, citizens of the
United States, were arrested in the streets
of Matamoros by a party of armed sol-
diers, who struck Hull in the face with a
sword, and forcibly took both to the prin-
cipal barrack in that city, where they
were confined upon suspicion of being
about to proceed to Texas. Shortly
afterwards sentinels were placed at the
doors of the consul's residence, under
false pretences, and all communication
with the house prohibited. Armed sol-
diers broke open his gate during his ab-
sence, forcibly took a mare and two
mules belonging to him, entered his house
with drawn swords, and searched every
room in it, for the avowed object of find-
ing the consul. Hallett and Hull have
been released, but the department is not
aware that any reparation has been made
for the proceeding against them, or for
the insult to the consul.

In February last, an attempt was made
at the city of Mexico to take from Mr.
W. A. Slacum, protected by a courier's
passport from this department, public des-
patches of this Government, addressed to
Mr. Butler. The attempt failed, but
Mr. Slacum was fined and detained for
carrying official letters on his person, au-
thenticated by the endorsement of this
department, and directed to the charge
d'affaires of the United States in Mexico.

In March last, the schooner Eelipse
was detained at Tabasco, and her master
and crew maltreated by the authorities.

In April last, the brig Jane, schooner
Compeer, and other merchant vessels of
the United States, were forcibly detained
at Matamoros.

You will also notify the Mexican Gov-
ernment that it is expected any damage
which may have been sustained by citi-
zens of the United States, in consequence
of the recent embargo at Vera Cruz,
Tampico, and other Mexican ports on the
Gulf, will be repaired, pursuant to the
stipulation in the treaty. The papers
now sent, show that the military com-
mandant of Tampico, has made the embargo
a pretext for interrupting or obstructing
the correspondence between the comman-
der of the United States revenue cutter
Jefferson and our consul there. For
these acts, proper satisfaction will like-
wise be expected. The outrages and in-
dignities committed against consuls and
other officers of the United States, though
not more unjust nor attended with cir-
cumstances of greater hardship than
those done to individual citizens, are ne-
vertheless to be considered as greater
violations of the rights of the United
States, and to be represented accordingly.

Though the department is not in pos-
session of proof of all the circumstances
of the wrongs done in the above cases, as
represented by the aggrieved parties, yet
the complaints are such as to entitle
them to be listened to, and to justify a
demand on the Mexican Government that
they shall be promptly and properly ex-
amined, and that suitable redress shall
be afforded. You will, therefore, imme-
diately address a strong but respectful
representation to the Mexican Govern-
ment on the subject of these various in-
juries. You will also remind it of the
numerous other complaints which have
been made from time to time, and which
will remain unredressed. You will like-
wise set forth the great forbearance
which the Government of the Uni-
ted States has practiced towards Mexico,
the friendly and benevolent moti-
ves which have led to it; and you will
state that the President, finding that this
eration and forbearance, so far from
appreciated by Mexico, seem only
not by new injuries, is constrain-
ed by a high sense of duty, to ask of the
Mexican Government such reparation as

accumulated wrongs may, on examination, be found to require.

If, contrary to the President's hopes, no satisfactory answer shall be given to this just and reasonable demand within three weeks, you will inform the Mexican Government that, unless redress is afforded without unnecessary delay, your further residence in Mexico will be useless. If this state of things continues longer, you will give formal notice to the Mexican Government that, unless a satisfactory answer shall be given within a fortnight, you are instructed to ask for your passports; and, at the end of that time, if you do not receive such answer, it is the President's direction that you demand your passports, and return to the United States, bringing with you the archives of the legation.

Mr. William A. Weaver, who is sent as a special messenger with this communication, you will detain until you can frame a full report to the department, as to the state of the business of your mission, as well that under the charge of Mr. Butler as that entrusted to you.—You will also send by the messenger, on his return, (if they can be prepared with in a reasonable time,) copies of Mr. Butler's despatches Nos. 14, 33, 52, 53, 54, 58, and 84, the originals of which were never received; and of all his correspondence with the Mexican Government and with others, on public business, so far as the records and files in the legation will allow you to do. Mr. Butler was repeatedly instructed to supply these papers, but the instructions have not been complied with. The expense of the transcripts required will be made a separate charge in your accounts, and will be accompanied by proper vouchers.—During Mr. Weaver's necessary detention, you will avail yourself of his assistance in making the copies. He has received five hundred dollars on account of his expenses to Mexico. You will furnish him with a like sum to defray his expenses on his return to Washington, for which your draft on the department will be honored.

I have the honor to be, sir,
Your obedient servant,
JOHN FORSYTH,
Powhatan Ellis, Esq.
Charge d'Affairs of the U. States,
Mexico.

Mr. Forsyth to Mr. Ellis.

DEPARTMENT OF STATE,
Washington, Dec. 10, 1836.

SIR: Mr. Gorostiza has, upon his own responsibility, terminated his extraordinary mission to the United States. The President will not believe that the Mexican Government is under the influence of the obvious prejudices which have distorted and discolored every object seen here in the view of their functionary.—The full and frank explanations of his motives and purposes in the precautionary means taken on the frontiers, should have satisfied that Government that nothing could be further from the President's intentions than to injure Mexico in her interests or in her honor. Under this conviction, he trusts that the departure of the extraordinary mission will in no respect, interrupt the friendly relations between the two Governments; and he instructs me to say, that whatever feelings such a step was calculated to produce, it shall not be permitted to diminish his confidence in the amiable disposition of the Mexican Government, nor to operate in his mind prejudicially to its interests. Although the President supposes that the Mexican Government will have found, in the communications heretofore made by the department to its envoy extraordinary, satisfactory grounds to justify the measure viewed so unfavorably by Mr. Gorostiza, yet his sincere and strong desire to prevent any misunderstanding on the subject induced him to determine, on the departure of that minister, to make such explanations as might prevent the Mexican Government from being misled into the adoption of the errors of their minister. Since my return to the seat of Government, the great pressure of other public business and the condition of the President's health, have delayed until now the execution of that purpose.

So soon as the contest in Texas was found to be inevitable, it became the President's duty to consider its probable consequences to the United States, with a view to guard against the injuries it might produce to our citizens, and to the performance of the obligations of the Government to a friendly and neighboring power. The more immediate danger was, that the contending parties might, in the struggle, find it necessary or convenient to seek, for advantage or protection, refuge on the territory of the United States; and that, being pursued by their adversaries, our soil might become the battle ground for deciding the contest.—Sufficient warning to both was therefore given, that this could not and would not be permitted. Subsequent events rendered any further precautionary steps in that regard unnecessary; but among the stipulation of Mexico and the United States to each other, was found one obliging each party to restrain the Indians within its dominions from all depredations upon the adjoining power. The extent in which this provision was understood by Mexico will be seen by recurring to the complaints made to this Government, that some of the Indians on our side had crossed over, without even an allegation of its having been done with any hostile design towards Mexico. With out assenting to the claims of Mexico as to the extent of the obligations of the United States under the treaty stipulation, the President was duly sensible that it required decisive means on his part to

prevent the Indians within the United States from entering into the quarrel in Texas. In addition to warning advice, given through our Indian agents, the presence of some of our troops was deemed indispensable to enforce, if necessary, the counsel given to them. The presence of this force was imperatively demanded to prevent evils which might arise from various other causes. The savage tribes prone to war, within reach of the contending parties, were numerous; and, on the Mexican side, known to be under very imperfect control. These warlike tribes, without regard to the combatants, might be tempted to fall upon the frontiers of the United States or Mexico, hoping that their depredations might be imputed to the known parties in the war. One of the combatants, in the event of defeat, or to strengthen himself against the more potent adversary, might solicit, and it was to be feared, might obtain, the active co-operation of some of the Indian tribes, whose conduct when once in the field, it would be impracticable to regulate according to the rules of civilized warfare, or to the obligations of their allies—to respect the territory, the persons, and property of neutrals. The distance of the scene of operations from the seat of Government compelled the Chief Magistrate to trust the discretionary power of using the troops to the commanding officer; yet, such care was taken in framing the order, given with this authority to act, that the President believed it scarcely possible that cause of just complaint could arise; yet, from extreme caution, and from an anxious desire to prevent the possibility of misconception on the part of Mexico, the steps taken were immediately made known to the minister plenipotentiary of that country, with the most explicit specification of the objects for which alone, the discretionary power to the commander on the frontier was given. The President did not doubt that, on the actual occurrence of any of the evils anticipated, or on satisfactory evidence of imminent danger of them, the commanding officer of the troops on the frontier had an indisputable right, in defence of the United States, or in protecting Mexican territory, according to the stipulation of the treaty, to occupy any position on either side of the line supposed to divide the two countries, which might be necessary to divide the two countries, which might be necessary to enable him to perform either of those duties. Yet he deemed it proper, from the peculiar circumstances of the contest in Texas, to limit that discretion by special instructions to move towards the Mexican side only under a state of things which should make that step justifiable in the eyes even of those who were disposed to watch every movement on our part with suspicion and jealousy.

You will perceive that Mr. Gorostiza, in his conference with me, distinctly admitted our right, in the event of hostility to the United States by Mexican Indians, to invade the territory of Texas, either to prevent intended injury, or to punish actual depredation. In a note written subsequently, he seeks to avoid the force of that admission, by confounding the principle upon which it obviously rests with the right of making war for a violation of treaty engagement. You will find no difficulty in showing to the Mexican Government that it rests upon principles of the law of nations, entirely distinct from those on which war is justified—upon the immutable principles of self-defence—upon the principles which justify decisive measures of precaution to prevent irreparable evil to our own or to a neighboring people. The grossness of the error of placing it on the right of war, as also the folly of relying upon that mode of redress, you can render obvious, by supposing that hostilities were, under present circumstances on the frontier, about to begin. Our fellow-citizens, of all ages and classes, to be exposed to massacre, their property to destruction, and the whole frontier to be laid waste by those savages Mexico was bound to control. Until these evils happen, on Mr. Gorostiza's theory, we have no right to take a position which will enable us to act with effect; and, before we do not, according to our promises under the thirty-third article of the treaty, after the frontier has been desolated, we must demand redress of Mexico—wait for it to be refused—and then make war upon Mexico. We are quietly to suffer injuries we might prevent, in the expectation of redress—redress for irreparable injuries from Mexico, who did not inflict them, but who was, from circumstances, without the power to prevent, as she would be, after they were inflicted, without the power to redress them. To make war upon Mexico for this involuntary failure to comply with her obligations, would be equivalent to an attempt to convert her misfortunes into crimes—her inability into guilt. If these injuries had been committed, and our complaints made to Mexico, what answer could be given to declarations of the Mexican Government like these: "We had not the power to prevent the evils of which you complain. Our inability to perform our promises was well known to you. It was your duty, having the means, to prevent these evils. We expected this would be done; and if, unwisely you have suffered them to be inflicted upon you, while we regret infinitely what has occurred, we can only express our regret, and call upon you to consider that your vengeance should fall not on Mexico or her citizens, but upon the tribes who committed the cruelties on your frontiers, or upon the rebellious people (in Texas) by whom those tribes should have been restrained?" In determining upon the precautions authorized by him to avert evils that could not be repaired, to avoid the mockery of calling upon Mexico for redress for injuries it

was out of her power to guard against, and the cruelty of seeking for satisfaction of weakness, which was due only from guilt, the President will not—cannot—believe that Mexico, in the present condition of her affairs, will consider her character or interests in the slightest degree injured; and you will distinctly state to that Government, that, until they have a force competent to perform the treaty stipulations near the frontier, he will be compelled to regard every indication of dissatisfaction as founded upon the principles of national law, but on a groundless suspicion of the intentions of the United States.

I shall send, with this despatch, a copy of the President's message at the opening Congress, from which you will be able to draw additional evidences of the just and amicable intentions of the Chief Magistrate. The President desires that you should give such explanations to the Mexican Government as these instructions will enable you to make; which, if received in the proper and friendly spirit in which they are offered, will, he trusts, remove all ground for doubts and anxieties, if any have been entertained on the subject.

It would be gratifying to the President, if this communication, which you will have to make to the Mexican Government, was limited to these explanations. Unfortunately, the conduct of its late minister extraordinary has made it necessary to touch upon even a more unpleasant topic. You will learn with astonishment that Mr. Gorostiza, while enjoying his diplomatic privilege, although after he declared his mission at an end, published, on his own authority, a pamphlet (a copy of which is herewith sent to you) containing parts of his unpublished correspondence with this department, and extracts from his letters to the Mexican Secretary of Foreign Relations, with a long introductory preface. The publication of his correspondence with the department, without the authority of his Government, is believed to be unexampled in the history of diplomacy, and was not decorous to the Government of the United States. The extracts from his correspondence with his own Government, and his introduction to the whole, contain statements and comments defamatory of the Government and people of the United States, and obviously intended to injure the character of both, for honor and good faith, in the eyes of the world. This pamphlet, although not circulated generally among our citizens, was in the hands of editors of newspapers, who have published extracts from it; and the President has been informed that two copies of it were sent by its author, at the moment of his departure from the United States, to some, if not to all, the members of the foreign diplomatic body accredited here. This act, still more extraordinary, because it almost immediately followed the communication of the President's intention to direct that explanations, which he believed would be satisfactory, should be made to the Mexican Government, has excited but one sentiment among those to whom it is known. In directing you to make known the publication of this pamphlet to the Mexican Government, the President does not doubt the truth of the declaration made by its author, that this publication was his own personal act, for which he had no authority from his Government; nor will he permit himself to suppose for an instant that it will adopt or sanction conduct so glaringly violating all the decorum of diplomatic usage; so disrespectful to the Government and people of the United States; so unworthy the representative of a respectable Government; and so well calculated to interrupt the harmony and good will which ought to subsist between the United States and Mexico.

How far the character of the Mexican Government for decorum and justice, and an honorable desire to maintain a respectable rank among the civilized nations of the world, require a distinct manifestation of its just displeasure at such an extraordinary step, are questions that belong to itself alone to consider and decide.

In giving you this instruction to make known to the Mexican Government the conduct of its envoy, without a demand of reparation at its hands, the President is influenced, as well by the explicit disavowal of the envoy of all participation on the part of his Government in the act complained of, as by the sincere conviction, already expressed, that a step so reprehensible will not be countenanced by it. But, in contrary to all just expectation, the Mexican Government shall adopt that act, or give sanction to it, by approving of their minister's conduct, the continuance of diplomatic intercourse between the two countries can no longer be either useful or reputable to the United States. However painful may be the consequences, the honor of the American people requires the President to instruct you, as I now do, in that event, to demand your passports, and to return forthwith, bringing with you all the archives of the legation, to the United States.

I have the honor to be, sir,
Your obedient servant,
JOHN FORSYTH,
Powhatan Ellis, Esq.
Charge d'Affairs of the United States.

TWENTY-FOURTH CONGRESS.

SECOND SESSION.

IN SENATE.

TUESDAY, Feb. 7, 1837.

MEXICO.—The following message was received from the President of the United States, through Mr. Jackson, his private Secretary:

To the Senate of the United States:

At the beginning of this session, Con-

gress was informed that our claims upon Mexico had not been adjusted, but that, notwithstanding the irritating effect upon her councils of the movements in Texas, I hoped, by great forbearance, to avoid the necessity of again bringing the subject of them to your notice. The hope has been disappointed. Having in vain urged upon that Government the justice of those claims, and my indispensable obligation to insist that there should be no further delay in the acknowledgment, if not in the redress of the injuries complained of, my duty requires that the whole subject should be presented, as it now is, for the action of Congress, whose exclusive right it is to decide on the further measures of redress to be employed. The length of time since some of the injuries have been committed, the repeated and unavailing applications for redress, the wanton character of some of the outrages upon the property and persons of our citizens, upon the officers and flag of United States, independent of recent insult to this Government and People by the late Extraordinary Mexican Minister, would justly, in eyes of all nations, immediate war.—That remedy, however, should not be used by just and generous nations, confiding in their strength for injuries committed, if it can be honorably avoided; and it has occurred to me that, considering the embarrassed condition of that country, we should act with both wisdom and moderation, by giving to Mexico one more opportunity to atone for the past, before we take redress into our own hands. To avoid all misconception on the part of Mexico, as well as to protect our own national character from reproach, this opportunity should be given, with the avowed design and full preparation to take immediate satisfaction if it should not be obtained on a repetition of the demand for it. To this end I recommend that an act be passed authorizing reprisals, and the use of the naval force of the United States by the Executive against Mexico, to enforce them, in the event of a refusal by the Mexican Government to come to an amicable adjustment of the matters in controversy between us, upon another demand thereof made from our board one of our vessels war on the coast of Mexico.

The documents herewith transmitted, with those accompanying my message in answer to a call of the House of Representatives of the 14th ultimo, will enable Congress to judge of the propriety of the course heretofore pursued, and to decide upon the necessity of that now recommended.

If these views should fail to meet the concurrence of Congress, and that body be able to find in the condition of the affairs between the two countries, as disclosed by the accompanying documents, with those referred to, any grounded reasons to hope that an adjustment of the controversy between them can be effected without a resort to the measures I have felt it my duty to recommend, they may be assured of my co-operation in any other course that shall be deemed honorable and proper.

ANDREW JACKSON.

Washington, Feb. 8, 1837.

The message was read, and,

On motion of Mr. Buchanan, it was ordered to be printed, together with the accompanying documents, and referred to the Committee on Foreign Relations.

In Select Committee of the House to inquire into the Executive Department, Jan. 24, 1837.

The following resolutions, as amended, were adopted, and a copy of the same directed to be sent by the Chairman to each of the heads of the Departments:

1. *Resolved*, That the heads of the several Departments be directed to furnish this committee with a statement showing the sums of money paid within the year ending on the 1st of December last, by such Departments respectively, their agents, or deputies, without authority of law, if any, to printers or editors of newspapers; specifying the names and residence of such printers and editors, and also the names and places of publication of the newspapers owned or published by them; and showing the services and consideration for which such sums have been paid, giving each item as stated in the accounts of such printer or editor, and the reasons for making such payments.

2. *Resolved*, That the President of the United States be requested, and the heads of the several Executive Departments be directed, to furnish this committee with a list or lists of all the officers, or agents, or deputies, who have been appointed, or employed and paid, since the 4th of March, 1829, to the 1st of December last, if any, without authority of law, or whose names are not contained in the last printed Register of public officers, commonly called the Blue Book, by the President or either of the said heads of Departments, respectively, and without nomination to, or the advice and consent of the [Senate of the] United States; showing the names of such officers, agents, or deputies; the sums paid to each, the services rendered, and by what authority appointed and paid, and what reasons for such appointments.

3. *Resolved*, That the heads of the several Departments be required to furnish this committee with a statement showing the various amounts of money paid within the last four years, ending on the 1st of December last, for contingencies, whether appropriated or not by law, to whom, and for what paid; showing whether any, and if any, what appropriations have been changed from specific to other objects of expenditure than those for which they were made, and how such change was authorized or

effected; and showing the amount of illegal irregular expenditures, allowances, or payments of every description whatever, if any, made by said Departments; respectively, since the 4th day of March, 1829, to the 1st of December, 1836, and whether paid by Treasury warrants or draft, or otherwise, to whom and for what paid, and the authority and reasons for such expenditures.

4. *Resolved*, That the heads of several Departments be directed to furnish this committee with a list of all officers, agents, or deputies, who have, since the 4th day of March, 1829, to the 1st of December last, within the Departments, respectively, received salaries, pay, or emolument of any kind, without rendering service to the Government; who have received salaries, pay, or emolument of any kind without being in office; whose commissions have been antedated; who held other stations or appointments, State or Federal, when receiving pay for particular offices or agencies, or who have been engaged in private employment, and what, whilst receiving pay from, and rendering no service to, the Government of the United States, with the names of such officers, or agents, or deputies, the sums or salaries paid to each, and the times of service of each, respectively.

5. *Resolved*, That the various Executive officers, in reply to the foregoing resolutions, be requested, at the same time, to furnish a statement of the period at which any innovations not authorized by law, if such exist, had their origin; their causes, and the necessity which has required their continuance.

6. *Resolved*, That the Secretary of the Navy be directed to furnish this committee with the report, or copy of the report, of John P. Van Ness and Amos Kendall, commissioners appointed by authority of the President of the United States, to receive and report such testimony as might be offered touching certain charges preferred by Mr. Hanson Gassaway, relative to the condemnation, and delivery to him, of sundry places of ordnance at Washington arsenal; and certain other charges connected with sundry contracts, and other matters connected with the office of the Navy Commissioners, which commissioners sat during the year 1833.

A true copy from the Journal.

Attest: B. F. HALLETT, Clerk.

In Select Committee of the House to inquire into the Executive Departments, &c. Jan. 23d, 1837.

The following resolutions were adopted, and the chairman directed to furnish the President of the United States with a copy of the same:

**Resolved*, That the President of the United States be requested, and the heads of the several Executive Departments be directed, to furnish this committee with a list or lists of all officers, or agents, or deputies, who have been appointed or employed and paid, since the 4th of March, 1829, to the 1st of December last, if any, without authority of law, or whose names are not contained in the last printed Register of public officers, commonly called the "Blue Book," by the President or either of the said heads of Departments, respectively, and without nomination to, or the advice and consent of the Senate of the United States; showing the names of such officers, agents, or deputies, the sums paid to each, the services rendered, and by what authority appointed and paid, and what reasons for such appointments.

**Resolved*, That the various Executive officers, in reply to the foregoing resolution, be requested, at the same time, to furnish a statement of the period at which any innovations not authorized by law, if such exist, had their origin; their causes, and the necessity which has required their continuance.

Attest: B. F. HALLETT, Clerk.

THE PRESIDENT'S LETTER TO THE COMMITTEE.

WASHINGTON CITY, Jan. 26, 1838.

SIR: I received, on the evening of the 24th instant, your letter covering a copy of certain resolutions purporting to have been adopted by a committee of the House of Representatives, of which you are the chairman, and request that you will lay before that committee this my reply, which I hasten to make.

It appears by the published proceedings of the House of Representatives, that the committee of which you are chairman was appointed on your motion. The resolution offered by you, and finally adopted by the House, raised if direct issue with that part of my annual message in which I held the following language: "Before concluding this paper I think it due to the various Executive Departments to bear testimony to their prosperous condition, and to the ability & integrity with which they have been conducted. It has been my aim to enforce in all of them a vigilant and faithful discharge of the public business; and it is gratifying to me to believe that there is no just cause of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation," be referred to a select committee, to consist of nine members, with power to send for persons and papers, and with instructions to inquire into the condition of the

various Executive Departments, the ability and integrity with which they have been conducted, into the manner in which the public business has been discharged in all of them, and into all causes of complaint, from any quarter, at the manner in which said Departments, or their bureaus or offices, or any of their officers or agents of every description, whatever, directly or indirectly connected with them in any manner, officially or unofficially, in duties pertaining to the public interest, have fulfilled or failed to accomplish the objects of their creation, or have violated their duties, or have injured and impaired the public service and interest, and that said committee, in its inquiries, may refer to such periods of time as to them may seem expedient and proper." It also appears, from the published proceedings of the House, that this resolution was accompanied and supported by a speech of considerable length, in which you preferred many severe but vague charges of corruption and abuse in the Executive Departments. The resolutions adopted by the committee, as well as that adopted by the House itself, must be taken in connexion with your introductory speech, which gives a character to the whole proceeding. When thus regarded, it is obvious that, by the resolution of the House, an issue is made with the President of the United States, as he had alleged, in his annual message, that the heads of the executive Departments had performed their official duties with ability and integrity. In your speech you denied this; you charged them with manifold corruptions and abuses of trust, as you had done in former speeches, to which you referred; and you demanded an investigation through the medium of a committee. Certain other members of Congress, as appears by the public debates, united with you in these accusations; and for the purpose of ascertaining their truth or falsehood, the committee you demanded was ordered to be raised, and you were placed at its head. The first proceeding of the investigating committee is to pass a series of resolutions which, though amended in their passages, were, as understood, introduced by you, calling on the President and the heads of the Department not to answer to any specific charge; not to explain any alleged abuse; not to give information as to any particular transaction; but, assuming that they have been guilty of the charges alleged, call upon them to furnish evidence against themselves!

After the reiterated charges you have made, it was to have been expected that you would have been prepared to reduce them to specifications, and that the committee would then proceed to investigate the matters alleged. But, instead of this, you resort to generalities even more vague than your original accusations, and in open violation of the Constitution; and of that well established and wise maxim, "that all men are presumed to be innocent until proven guilty, according to the established rules of law," you request myself and the heads of the Departments to become our own accusers, and to furnish the evidence to convict ourselves; and this call purports to be founded on the authority of that body in which alone, by the Constitution, the power of impeaching us is vested! The heads of Departments may answer such a request as they please, provided they do not withdraw their own time, and that of the officers under their direction, from the public business, to the injury thereof. To that business I shall direct them to devote themselves, in preference to any illegal and unconstitutional calls for information, no matter from what source it may come, or however anxious they may be to meet it. For myself, I shall repel all such attempts as an invasion of the principles of justice, as we as of the Constitution; and I shall esteem it my sacred duty to the People of the United States to resist them as I would the establishment of a Spanish inquisition.

If, after all the severe accusation contained in the various speeches of yourself and your associates, you are unwilling of your own accord to bring specific charges, then I request your committee to call your associates, and every other member of Congress who has made the general charge of corruption, to testify before God and our country, whether you or they know of any specific corruption or abuse of trust in the Executive Departments; and if so, what it is. If you are able to point to any case where there is the slightest reason to suspect corruption or abuse of trust, no obstacle, which I can remove shall be interposed to prevent the fullest scrutiny by all legal means.—The offices of all the Departments will be opened to you, and every proper facility furnished for this purpose.

I hope, sir, we shall at last have your charges, and that you will proceed to investigate them, not like an inquisitor, but in the accustomed mode. If you either will not make specific accusations, or if, when made, you attempt to establish them by making freemen their own accusers, you will not expect me to countenance your proceedings. To the short period which remains of my official duty, I shall endeavor, as I have heretofore endeavored, to fulfill the obligations of that oath of office, by which I engaged, "to the best of my ability, to preserve, protect, and defend the Constitution of the United States;" and for this, and other reasons of the most solemn character, I shall, on the one hand, cause every possible facility, consistent with law and justice, to be given to the investigation of specific, tangible charges; and, on the other, shall repudiate all attempts to invade the just rights of the Executive Departments, and of the indi-

viduals composing the same. If, after all your eloquence, you will make no specific charges, or bring no proof of such as shall be made, you and your associates must be regarded by the good People of the United States as the authors of unfounded calumnies; and the public servants whom you have assailed will, in the estimation of all honorable men, stand fully acquitted.

In the mean time, I cannot but express my astonishment that members of Congress should call for information as to the persons to whom contingent moneys are paid, and the object of those payments, when there are six standing committees under the seventy-seventh rule of the House of Representatives, whose special duties are to examine annually into all the details of those expenditures in each of the Executive Departments. The like remark is applicable to some other branches of the information sought by you, ample details in respect to which are to be found in the reports laid before Congress, and now on your files, and to which I recommend you to have recourse.

I am, respectfully, &c.

ANDREW JACKSON.

To the Hon. HENRY A. WISE,
Chairman of the Investigating Committee of the abuses and corruptions charged against the Executive Departments.

I certify that this is a true copy from the original sent.

Test: A. JACKSON, Jun.,
Private Secretary, &c.

WASHINGTON, Feb. 7, 1837.

SIR: In the Globe of the 3d inst., I find the report of a speech made by you on the 1th, upon the Land bill, which contains the following passages, viz:

"Was it not notorious that the President of the United States himself had been connected with the purchase of the public lands? Yes, the 'experiment' (Mr. Calhoun delighted in the word) was the cause of speculation in public lands, and if this bill should not be passed, speculations could not go on, and the price of the public lands must consequently be reduced. He contended that every man could not but see that it would be utter ruin to those who had borrowed money to speculate in lands, if the system was not to go on." In a former part of your speech, as reported, you say: "The speculation which a particular state of things had given rise to, had been produced by those in power. They had profited by that state of things; and should this bill be passed, it would only consummate their wishes," &c.

Knowing the liabilities of reporters to err in taking down and writing out the speeches of members of Congress, I have made inquiry in relation to the accuracy of this report, and have been furnished with certificates of gentlemen who heard you, affirming that it is substantially correct.

You cannot but be aware, sir, that the imputations which your language conveys are calculated, if believed to destroy my character as a man, and that the charge is one which, if true, ought to produce my impeachment and punishment as a public officer. If I caused the removal of the deposits for the false purpose of enriching myself or my friends by any of the results which might grow out of that measure, there is no term of reproach which I do not deserve, and no punishment known to the laws which ought not to be inflicted on me. On the contrary, if the whole imputation, both as to motive and fact, be a fabrication and a calumny, the punishment which belongs to me, if guilty, is too mild for him who willfully makes it.

I am aware, sir, of the constitutional privilege under which this imputation is cast forth, and the immunity which it secures. That privilege it is in no degree my purpose to violate, however gross and wicked may have been the abuse of it. But I exercise only the common right of every citizen, when I inform you, that the imputations you have cast upon me are false in every particular, not having for the last ten years purchased any public land, or had any interest in such purchase. The whole charge, unless explained, must be considered the offspring of a morbid imagination, or of sleepless malice.

I ask you, sir, as an act due to justice, honor and truth, to retract this charge on the floor of the Senate, in as public a manner as it has been uttered—it being the most appropriate mode by which you can repair the injury which might otherwise flow from it.

But in the event that you fail to do so, I then demand that you place your charge before the House of Representatives, that they may institute the necessary proceedings to ascertain the truth or falsehood of your imputation, with a view to such further measures as justice may require.

If you will neither do justice yourself, nor place the matter in a position where justice may be done me by the representatives of the people, I shall be compelled to resort to the only remedy left me, and, before I leave the city, give publicity to this letter, by which you will stand stigmatized as one who, protected by his constitutional privilege, is ready to stab the reputation of others, without the magnanimity to do them justice, or the honor to place them in a situation to receive it from others.

Yours, &c.

ANDREW JACKSON.

To the Hon. J. C. CALHOUN, United States Senate.

(No. 1.)

WASHINGTON CITY, Feb. 6, 1837.

At the request of the President of the

United States, I hereby certify that I was present in the gallery of the Senate of the United States on Saturday, the 4th inst., during a discussion upon the Land bill, and heard some of the remarks of Mr. CALHOUN upon that subject, in which the President was charged with being a speculator in public lands.

On coming out of the Capitol the subject was mentioned to me by a friend of the President's. And my recollection of the words used according with what he understood had been said, and which is substantially the same as reported in the Globe of the 6th inst.

(Signed) ARTHUR CAMPBELL.

(No. 2.)

WASHINGTON, Feb. 7, 1837.

SIR: In answer to your inquiry of me whether Mr. CALHOUN, in his remarks on the Land bill, on Saturday last, used the words attributed to him by me in the report, which appeared in the 'Globe' of yesterday, viz: "Was it not notorious that the President of the United States himself had been connected with the purchase of public lands?" I would state that I have referred to my short hand notes, and find that such was the language he used according to the best of my knowledge and belief.

Yours, very respectfully,

(Signed) W. E. DRAKE.

I certify that No. 1 and No. 2 are true copies of the originals.

Test: A. JACKSON, Jun.

Private Secretary, &c.

WASHINGTON, Feb. 7, 1837.

SIR: In the Globe of the 3d inst., I find the report of a speech made by you on the 1th, upon the Land bill, which contains the following passages, viz:

"Was it not notorious that the President of the United States himself had been connected with the purchase of the public lands? Yes, the 'experiment' (Mr. Calhoun delighted in the word) was the cause of speculation in public lands, and if this bill should not be passed, speculations could not go on, and the price of the public lands must consequently be reduced. He contended that every man could not but see that it would be utter ruin to those who had borrowed money to speculate in lands, if the system was not to go on." In a former part of your speech, as reported, you say: "The speculation which a particular state of things had given rise to, had been produced by those in power. They had profited by that state of things; and should this bill be passed, it would only consummate their wishes," &c.

Knowing the liabilities of reporters to err in taking down and writing out the speeches of members of Congress, I have made inquiry in relation to the accuracy of this report, and have been furnished with certificates of gentlemen who heard you, affirming that it is substantially correct.

You cannot but be aware, sir, that the imputations which your language conveys are calculated, if believed to destroy my character as a man, and that the charge is one which, if true, ought to produce my impeachment and punishment as a public officer. If I caused the removal of the deposits for the false purpose of enriching myself or my friends by any of the results which might grow out of that measure, there is no term of reproach which I do not deserve, and no punishment known to the laws which ought not to be inflicted on me. On the contrary, if the whole imputation, both as to motive and fact, be a fabrication and a calumny, the punishment which belongs to me, if guilty, is too mild for him who willfully makes it.

I am aware, sir, of the constitutional privilege under which this imputation is cast forth, and the immunity which it secures. That privilege it is in no degree my purpose to violate, however gross and wicked may have been the abuse of it. But I exercise only the common right of every citizen, when I inform you, that the imputations you have cast upon me are false in every particular, not having for the last ten years purchased any public land, or had any interest in such purchase. The whole charge, unless explained, must be considered the offspring of a morbid imagination, or of sleepless malice.

I ask you, sir, as an act due to justice, honor and truth, to retract this charge on the floor of the Senate, in as public a manner as it has been uttered—it being the most appropriate mode by which you can repair the injury which might otherwise flow from it.

But in the event that you fail to do so, I then demand that you place your charge before the House of Representatives, that they may institute the necessary proceedings to ascertain the truth or falsehood of your imputation, with a view to such further measures as justice may require.

If you will neither do justice yourself, nor place the matter in a position where justice may be done me by the representatives of the people, I shall be compelled to resort to the only remedy left me, and, before I leave the city, give publicity to this letter, by which you will stand stigmatized as one who, protected by his constitutional privilege, is ready to stab the reputation of others, without the magnanimity to do them justice, or the honor to place them in a situation to receive it from others.

Yours, &c.

ANDREW JACKSON.

To the Hon. J. C. CALHOUN, United States Senate.

(No. 1.)

WASHINGTON CITY, Feb. 6, 1837.

At the request of the President of the

street with persecution, as the impotent attacks upon him by the whig editors. He has been by them derided as limping or hopping among the hills—thus tanning him for his lameness occasioned by the honorable wounds received in defending his country! O shameless whiggery!!

ELECTION OF PRESIDENT AND VICE PRESIDENT.

On the 8th inst., the ceremony of the election of President and President, took place in Congress, by opening and counting the votes.

The following was the result for President:

Martin Van Buren,	166
Daniel Webster,	14
William H. Harrison,	73
Hugh L. White,	24
W. P. Mangum,	11
Total,	291

Martin Van Buren was declared elected President of the United States for four years, the 4th of March next, by the President of the Senate.

The vote for Vice President stood as follows, viz:

R. M. Johnson,	141
Francis Granger,	77
William Smith,	23

It appearing that no individual had received a majority of the Electoral votes for Vice President, the Senate withdrew to their Hall, and proceeded immediately to elect a Vice President. The following was the result:

FOR RICHARD M. JOHNSON.

Messrs. Benton of Missouri.

Black of Mississippi.

Brown of North Carolina.

Bachman of Pennsylvania.

Calhoun of Georgia.

Dana of Maine.

Ewing of Illinois.

Fulton of Arkansas.

Grundy of Tennessee.

Hendricks of Indiana.

Hubbard of New Hampshire.

King of Alabama.

King of Georgia.

Linn of Missouri.

Lyons of Michigan.

McKean of Pennsylvania.

Morgan of Alabama.

Morris of Ohio.

Montgomery of Louisiana.

Nichols of Louisiana.

Niles of Connecticut.

North of Michigan.

Page of New Hampshire.

Parker of Virginia.

Rives of Virginia.

Robinson of Illinois.

Ruggles of Maine.

Saxton of Arkansas.

Strange of North Carolina.

Tallmadge of New York.

Tipton of Indiana.

Walker of Mississippi.

Wright of New York.

FOR FRANCIS GRANGER.

Messrs. Bayard of Delaware.

CLAY OF KENTUCKY.

Clayton of Delaware.

CRITTENDEN OF KY.

Davis of Massachusetts.

Ewing of Ohio.

Kent of Maryland.

Knight of Rhode Island.

Prentiss of Vermont.

Robbins of Rhode Island.

Southard of New Jersey.

Spence of Maryland.

Swift of Vermont.

Tancred of Connecticut.

Wall of New Jersey.

Webster of Massachusetts.

The President of the Senate, (Mr. Kise of Alabama) then rose, and proclaimed the result of the election as follows:

The whole number of Senators of the United States is, 52

Majority necessary to a choice, 27

Quorum required by the Constitution, 35

Whole number of Senators present, 49

For R. M. Johnson of Kentucky, 33

For Francis Granger of New York, 16

From which it appears that RICHARD M. JOHNSON, having the votes of a majority of the whole number of Senators, as required by the Constitution of the United States, is duly elected; and I therefore declare that R. M. JOHNSON, of Kentucky, has been chosen by the Senate, in pursuance of the provisions contained in the Constitution, Vice President of the United States for four years, commencing with the 4th day of March, 1837.

It will be found that the two Kentucky Senators voted for the abolitionist for Vice President, whilst neither Calhoun, Preston or White, could swallow the dose.

REUBEN M. WHITNEY, has been brought before the House of Representatives, for contempt, in refusing to appear before the committee of investigation. At the last dates a motion was made for his discharge, but the house adjourned before coming to a decision.

John Q. Adams, who has been daily endeavoring to insult Congress during the whole session, and who enquired of the Speaker if a petition from slaves would come under the rule of being laid on the table without reading or further action, is, by this step retarded the important business of legislation for three days, in considering propositions to censure or expel him, has escaped both those

punishments, and the following resolution was passed by the House of Representatives on that subject:

Resolved, That the House cannot receive said petition without disregarding its own dignity, the rights of a large class of citizens of the South and West, and the Constitution of the United States.

Resolved, That slaves do not possess the right of petition secured to the citizens of the United States by the Constitution.

By the arrival of the Rail Road Car on Thursday night, it was ascertained that the Charleston rail road bill had passed, in such a shape as to ensure the completion of that great work, by its termination, for the present, at Lexington. Our great gun—the instrument which always proclaims TRUTH, was again had in requisition on the occasion.

RELATIONS WITH MEXICO. Most of the whig presses, taking their cue from the National Intelligencer, are censuring the President for his message in regard to Mexico, which will be found in this Gazette. They declare that the course recommended is unequalled for that not one in a thousand of our citizens, know of any cause of complaint, which we had against that government. The truth of this allegation we do not admit, although, had there no other medium of communication except their papers such might have been the case. But there are Journalists who have not deemed it proper to take sides with every foreign government that may chuse to injure or insult us.

But admitting that our grievances were unknown to the people generally. They were known to those who were insulted and imprisoned—they were known to the old Hero, who has declared he will ask nothing but what is clearly right, and submit to nothing wrong.

It is true in the further management of our concerns with Mexico, we shall not have the benefit of Gen. Jackson's energetic mind; but we trust his mantle has fallen on one, who will at least 'carry out the principle adopted by him, as stated above.

We are not of those who could give aid of comfort to our enemies when we are in the right; but would rather unite with the Scotch woman, who prayed the Lord to stand by the Duke of Hamilton's regiment right or wrong. We can not our country.

Whether or not we have cause of complaint against Mexico, will be ascertained, by a perusal of the letters of Mr. Forsyth, to Mr. Ellis, in this paper.

COMMUNICATION.

Vain as we know one of the Editors of the Observer to be, we could not have supposed his vanity would have extended so far, as to put him to a very great expense, to procure and circulate his own likeness. But as that Editor, acknowledged himself under obligations to the Gazette for republishing the Black Lines, I ask of you to confer a far higher favor on him, by the insertion in your paper of his likeness which has been procured at such great expense—and I can assure you that cloudy as was the morning when it issued, the likeness was recognized by every one as most excellent.

From the Observer & Reporter.

The reader will find in another column a portrait of an excellent gentleman, a distinguished statesman of the day. This likeness has been procured at a very great expense from one of our first native artists, and will doubtless be recognized by those acquainted with the original as very striking and appropriate.

LITHOGRAPH.

DIED.—At his residence, 1 mile from Lexington on Saturday night, the 18th inst., Mr. EDGAR M. CRUTCHFIELD, aged about 30 years.

In Scott County, on the 11th inst. Mr. SAMUEL GLASS, an advanced age. Mr. G. had been for many years an exemplary member of the Presbyterian Church, was a good neighbor, a kind and indulgent husband and parent, a feeling and lenient master, and a scrupulously honest man in his dealings. The death of such a man, cannot fail to be deeply regretted by the community in which he lived.

TRANSYLVANIA UNIVERSITY.

This annual commencement of the Law Class, will take place in the Chapel on Monday next, the 27th February. Professional gentlemen and the public generally, are invited to attend that ceremony, at 10 o'clock that day.

Feb. 23, 1837.

EXECUTORS NOTICE.

ALL persons having claims against the Estate of Maj. Wm. Boone, dec. will present them, duly proved, for payment; and those indebted, are requested to come forward and make payment, as the Executors wish to settle the Estate immediately. The notes and accounts are in the hands of William Boone, Jr., for collection.

JOS. L. MOORE,
JOSEPH M. MAJOR,
J. M. BOON, Jr.,
Executors.

Feb. 23, 1837.—R-1m.

FAYETTE COUNTY, SS.

TAKEN up by Ransdale Petty, 6 miles from Lexington, between the Boonshorough and Tates Creek road, a BAY MARK, 1 1/2 years high; a small star in her forehead; 4 years old last spring, appraised to \$45 (names of appraisers not given).

Given under my hand, this 12th Dec. 1836.
DABNEY C. OVERTON, J. P.
J. C. RODES, Clerk.

A Copy. By WALTER RODES, D. C.

Feb. 23, 1837.—R-3m.

EXECUTORS SALE.

ALL persons having claims against the Estate of Maj. Wm. Boone, dec. will present them, duly proved, for payment; and those indebted, are requested to come forward and make payment, as the Executors wish to settle the Estate immediately. The notes and accounts are in the hands of William Boone, Jr., for collection.

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